

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**MOTION TO STRIKE REBUTTAL FILED BY APPLICANTS  
AS PROCEDURALLY IMPROPER**

Interested Party, Tanya Romero-Baca moves to strike Applicant’s Rebuttal in Support of Objections to Magistrate Judge’s Report and Recommendations (Doc. 34). The local rule that applies to general motion practice provides for a response to a motion and a rebuttal by the moving party. By contrast, the rule governing the procedure for objecting to a Magistrate Judge’s Report and Recommendation does not give the objecting party the opportunity to file a rebuttal. *Compare* L.R.Civ. 7(b)(4) (setting forth timing for filing a response to a motion and for a rebuttal by moving party); *with* L.R.Civ. 72(a)(3) (setting forth timing for objections to report and recommendation and response thereto, with no mention of a rebuttal by the objecting party). Applicants nonetheless filed a lengthy rebuttal in support of their objections.

In addition to being procedurally improper, the rebuttal contains a great deal of newly cited case law, which it in key respects seriously mischaracterizes – particularly with respect to the standard of review that applies to their objection. For the reasons stated, Ms. Romero-Baca felt it appropriate to bring the non-compliance to the Court’s attention and ask that the rebuttal (Doc. 34) be stricken.

RESPECTFULLY SUBMITTED, this the 6<sup>th</sup> day of December 2019.

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**CERTIFICATE OF SERVICE**

I, B. Wayne Williams, one of the attorneys for Tanya Romero-Baca, do hereby certify that I have this date filed the above and foregoing ***Motion To Strike Rebuttal Filed By Applicants As Procedurally Improper*** using the Court's electronic filing system which in turn served a true and correct copy of the same to counsel of record as follows:

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This the 6<sup>th</sup> day of December 2019.

/s/ B. Wayne Williams  
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